

AN ACT

ENTITLED, An Act to prohibit the possession of certain forms of computer-related child pornography.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 22-22-23.1 be amended to read as follows:

22-22-23.1. Any person who knowingly possesses any depiction fixed in any tangible medium of expression of a minor under the age of eighteen years engaging in a prohibited sexual act or in the simulation of such act or whose knowing possession encourages, aids, abets, or entices any person to commit a prohibited sexual act is guilty of a Class 6 felony.

Section 2. For the purposes of this Act, a depiction includes any depiction, representation, or description, however perceived, and any data compilation or set of commands intended for use to store, to retrieve, or to generate such depictions, representations, or descriptions by any electronic means.

Section 3. For the purposes of this Act, the term, tangible medium of expression, includes, without limitation, printed materials, plastic media, photographs, film, and any electronic communications systems used to display depictions.

An Act to prohibit the possession of certain forms of computer-related child pornography.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1308

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1308

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State